

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

HARRISON DEWAYNE GILES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:09-CV-796-TMH
	)	[WO]
DR. BATES, et al.,	)	
	)	
Defendants.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

Harrison Dewayne Giles [“Giles”], a former county inmate, initiated this 42 U.S.C. § 1983 complaint challenging the adequacy of medical treatment provided to him for a hernia during his incarceration in the Montgomery County Detention Facility. The order of procedure entered in this case specifically directed Giles to immediately inform the court of any change in his address. *Order of August 27, 2009 - Court Document No. 4* at 5.

This court recently ascertained information indicating the plaintiff is no longer at the address he last provided for service. In light of the foregoing, the court entered an order requiring that on or before September 23, 2011 Giles inform the court of his present address. *Order of September 15, 2011 - Court Doc. No. 19*. This order specifically cautioned Giles that his failure to comply with its directives would result in a recommendation that this case be dismissed. *Id.* The court has received no response from Giles to the aforementioned order. As is clear from the foregoing, Giles has failed to comply with the directives of the

orders entered by this court and this case cannot properly proceed in his absence. It is likewise clear that Giles is no longer interested in the prosecution of this case. In addition, the response and evidentiary materials filed by the defendants indicate the medical treatment provided to Giles did not violate his constitutional rights. The court therefore concludes this case is due to be dismissed.

### CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to prosecute this action.

It is further

ORDERED that **on or before October 14, 2011**, the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d

33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 30<sup>th</sup> day of September, 2011.

/s/Charles S. Coody  
CHARLES S. COODY  
UNITED STATES MAGISTRATE JUDGE